

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	05-00159-02-CR-W-ODS
IGGY SANTISTEBAN,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on January 30, 2006. Defendant Iggy Santisteban appeared by telephone and through appointed counsel Steve Moss. The United States of America appeared by Assistant United States Attorney Gene Porter.

I. BACKGROUND

On April 20, 2005, an indictment was returned charging Defendant with one count of conspiracy to sell counterfeit, illegally imported and misbranded drugs, in violation of 18 U.S.C. § 371.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Porter announced that he will be the trial counsel for the government. The case agents who will be seated at counsel table are FDA Special Agents Spencer Morrison, Chuck Grinstead, and Steve Holt. William Boldt, paralegal, will also be present.

Mr. Moss announced that he and Robert Kuchar will be the trial counsel for Defendant Santisteban; Gina Slack, investigator, will also be seated at counsel table.

III. OUTSTANDING MOTIONS

There is one pending motions in this case:

1. Government's Motion for Order Admitting Evidence Pursuant to FRE 1006, filed 01/23/06 (Doc. # 42).

IV. TRIAL WITNESSES

Mr. Porter announced that the government intends to call twenty-four witnesses without stipulations or seventeen witnesses with stipulations during the trial.

Mr. Moss announced that Defendant Santisteban intends to call fifteen witnesses during the trial. Defendant Santisteban will testify.

V. TRIAL EXHIBITS

Mr. Porter announced that the government will offer approximately one hundred exhibits in evidence during the trial.

Mr. Moss announced that Defendant Santisteban will offer approximately seventy-five exhibits in evidence during the trial.

VI. DEFENSES

Mr. Moss announced that Defendant Santisteban will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Moss stated this case is **definitely** for trial.

VIII. STIPULATIONS

Stipulations are likely as to business records.

IX. TRIAL TIME

Counsel were in agreement that this case will take five to six days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed June 1, 2005, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by February 3, 2006;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, February 8, 2006;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, February 8, 2006. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and ½ inch computer disk in a form compatible with WordPerfect 9.0, 10.0, or 11.0.

XI. UNUSUAL QUESTIONS OF LAW

Defendant will probably file a motion in limine seeking to exclude any references to bad checks, as presented in the government's trial brief, as being irrelevant or unduly prejudicial. The government will likely file a motion in limine regarding Defendant's witnesses, based on relevance.

Additionally, Defendant may raise a venue issue, which may be addressed at trial.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on February 13, 2006.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
January 30, 2006

cc: The Honorable Ortrie D. Smith
Mr. Gene Porter
Mr. Steve Moss
Mr. Jeff Burkholder